

CUSTOMER NO.: 24498
Serial No.: 10/089,714
Office Action dated: 05/05/06
Response dated: August 14, 2006

PATENT
RCA 90,149

Remarks/Arguments

The Office Action mailed May 2, 2006 has been reviewed and carefully considered. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-10 are pending in this application. Claims 1, 3, 5 and 7 have been amended. The specification has been amended to include an Abstract. No new matter has been added by the amendments.

Specification

The specification was objected to as not containing an Abstract. Applicants have amended the specification to include an Abstract, less than or equal to 150 words, which is submitted herewith on a separate sheet as per 37 C.F.R. 1.72. Accordingly, withdrawal of the objection is respectfully requested.

§112 Rejection

Claims 3 and 5 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 3 and 5 to replace the terms “may be” to “is”. Accordingly, withdrawal of the rejection is respectfully requested.

§102 Rejections

Claims 1-3 and 6-10 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,407,997 to DeNap (hereinafter “DeNap”). Applicants respectfully traverse the rejection.

In the Office Action, the Examiner alleges that DeNap teaches all the elements of claims 1-3 and 6-10, including “a voice mail server (473) disposed remotely from the CPE (124) for storing voice message left for customers, and a service controller (session manager 472) for managing system traffic...” and alleges that servers and gateways (473)

is equivalent to the message processor as presently claimed. However, after careful review of DeNap, the Applicants disagree.

DeNap involves an ATM communications system that provides the option of advanced communications services as well as conventional telephone service to a customer without requiring the widespread deployment of class 5 telephone switches. A residential communications hub is provided that converts between the analog telephony format and the ATM format. A telephony hub provides an analog and digital telephony interface as well as an ATM interface to an ATM switch. Note that in DeNap, the residential hub 121, telephony hub 124, session manager 472 and servers and gateway 473 are directly connected to an ATM switch 123 (*see e.g.*, FIGS. 1 and 4). The session manager 472 issues control messages to the ATM switch 123 and provides communications paths for the communications service. *See e.g.*, Col. 7, lines 45-47. Accordingly, signaling information and communications are routed directly to the ATM switch.

In stark contrast, the present invention provides a system configured to carry each voice path in an independent ATM virtual circuit, rather than multiplexing multiples of them together. Signaling information is also carried independently of the voice and is routed towards a service control processor, rather than directly to an ATM switch. Further, a voice mail server/message processor is configured to be in direct communication with a service control processor. *See e.g.*, FIG. 21, illustrating the ATM signaling channel routed directly between a CPE and a service control processor, as well as a voice mail server configured to be in direct communication with a service control processor.

Advantageously, by using an independent ATM virtual circuit per voice channel, it is possible to setup and teardown the connection in the ATM switch. There is no mention in DeNap of at least a receiving device configured to process a first ATM virtual path/virtual channel corresponding to an incoming call, a message processor configured to receive a message via a second ATM virtual path/virtual channel, nor a service control processor configured to route the incoming call to the message processor via the second ATM virtual path/virtual channel when the incoming call is not answered by the receiving device, wherein the second ATM channel routed from the service control processor directly to the receiving device is configured to signal to the receiving

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device indicating when an awaiting voicemail message exists, essentially as claimed in claims 1 and 7.

DeNap generally discusses (e.g., in Col. 8, lines 5-9) wherein servers and gateways 473 may comprise, e.g., a feature server which may provide features such as voice mail to end users, however, there is no disclosure nor teaching of a message processor configured to receive a message via a *different* ATM virtual path/virtual channel than the ATM virtual path/virtual channel corresponding to the incoming call in question, as presently claimed. Furthermore, DeNap fails to disclose or suggest an ATM signaling channel routed from the service control processor **directly** to the receiving device configured to signal to the receiving device for indicating when an awaiting voicemail message exists, essentially as claimed in claims 1 and 7.

Accordingly, claims 1 and 7 are asserted to be patentable and nonobvious over DeNap for at least the reasons stated above. Claims 2-6 and 8-10 depend from claims 1 and 7, respectively. The dependent claims include the limitations of their respective independent claims and are therefore believed to be patentable and nonobvious for at least the reasons stated for claims 1 and 7. Withdrawal of the §102 rejection is respectfully requested.

§103 Rejections

Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeNap and further in view of U.S. Patent No. 5,848,142 to Yaker (hereinafter Yaker).

The rejection of dependent claims 4-5 is based, in part, on the Examiner's contention that DeNap discloses or suggests the features of independent claim 1, from which claims 4-5 depend. However, it is clear that the combination of DeNap with Yaker is legally deficient, since, at the very least, as explained above, DeNap fails to disclose or suggest the features of claim 1, from which claims 4-5 depend.

It is therefore respectfully submitted that the present invention is not disclosed or suggested by the cited references taken alone or in combination. Claims 1-10 are believed to be in condition for allowance for at least the reasons stated above.

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Withdrawal of all the rejections and early and favorable reconsideration of the case is respectfully requested.

Accordingly, claims 1 and 25 are asserted to be patentable and nonobvious over Shaffer in view of Thompson for at least the reasons stated above. Claims 13 and 33 have now been cancelled. Claims 6-8, 14-17 and 24 depend from claim 1; claims 28-29, 34-37 and 44 depend from claim 25. The dependent claims include the limitations of their respective independent claims and are therefore believed to be patentable and nonobvious for at least the reasons stated for claims 1 and 25.

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Conclusion

In view of the foregoing, Applicants respectfully request that the rejections of the claims set forth in the Office Action of May 2, 2006 be withdrawn, that pending Claims 1-10 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

Please charge the \$120 fee for the Petition for the One-Month Extension, and any other costs that may be associated with the filing of this Amendment, to Deposit Account No. 07-0832.

Respectfully submitted,

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By

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CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence (and any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below:

August 14, 2006
Date

Patricia M. Fedorowycz
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